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10 Attorneys for Defendants MARTIN C. LIN,  
11 YUSHAN WANG, AKA  
12 SAMANTHA WANG, and  
13 IMAGE DEVICE INC.

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN JOSE DIVISION

17 ATECH FLASH TECHNOLOGY INC. &  
18 SUNUS SUNTEK INC.

19 Plaintiffs,

20 vs.

21 MARTIN C. LIN, YUSHAN WANG,  
22 A.K.A. SAMANTHA WANG, and IMAGE  
23 DEVICE INC.

24 Defendants.

No. C07 02949 PVT

**DECLARATION OF MARTIN C. LIN  
IN SUPPORT OF DEFENDANTS'  
MOTION TO DISMISS**

The Hon. Patricia V. Trumbull

Date: Tuesday, September 4, 2007

Time: 10:00 a.m.

Courtroom: 5, 4<sup>th</sup> Floor

25 I, Martin C. Lin, declare:

- 26 1. I am over the age of eighteen. I have personal knowledge of the facts stated herein and,  
27 if called upon to testify at trial, could and would testify as follows.  
28 2. I am a co-founder of Defendant Image Device, Inc. ("Image Device").  
3. Yushan Wang aka Samantha Wang and I are husband and wife. We were married in  
1994.

- 1 4. Samantha Wang and I became employees of Plaintiff Sunus Suntek, Inc. ("Suntek")
- 2 during 1998.
- 3
- 4 5. Suntek was and remains a computer casing manufacturer.
- 5 6. Attached as **Exhibit 1** is a true and correct copy of a 6/26/2007 screenshot from Suntek's
- 6 website at <http://www.suntekgroup.com/index.htm>.
- 7
- 8 7. When I began my employment with Suntek in 1998, my primary duty was to establish
- 9 and manage a Suntek branch office in Georgia.
- 10 8. Prior to establishment of that office, Suntek operated domestically only out of a
- 11 location in Fremont, California.
- 12
- 13 9. I was responsible for supervision of sales activities to Suntek's East Coast domestic
- 14 customers through the Georgia office.
- 15 10. During our employment with Suntek, Samantha Wang and I resided and owned a house
- 16 in Suwanee, Georgia.
- 17
- 18 11. We both worked as Suntek employees until approximately March 2006.
- 19 12. All paychecks received by me and by Samantha Wang were issued by Suntek and
- 20 identified our Georgia residence address.
- 21
- 22 13. Neither I nor my wife ever received any payroll payment from Plaintiff Atech Flash
- 23 Technology, Inc. ("Atech").
- 24 14. Since leaving our respective Suntek employment terms, Samantha Wang and I have
- 25 each traveled and pursued career and business opportunities internationally, including
- 26 through family members in China and Taiwan.
- 27
- 28

1 15. On or about April 19, 2006, my wife and I co-founded Defendant Image Device, Inc.  
2 (“Image Device”).  
3

4 16. Attached as **Exhibit 2** is a true and correct copy of a 6/23/2007 Georgia Secretary of State  
5 Business Information Printout for Image Device, Inc.

6 17. Image Device was incorporated and has its principal (and only) place of business in  
7 Georgia.  
8

9 18. Samantha Wang was and is the sole shareholder of Image Device.

10 19. Image Device is a manufacturer of high end memory card readers for consumer,  
11 professional and industrial digital imaging markets, including the photo kiosk industry.  
12

13 20. Attached as **Exhibit 3** is a true and correct copy of a 7/20/2007 screenshot from Image  
14 Device’s website at <http://www.imagedevice.com/AboutUs.htm>.

15 21. Image Device develops new products for the flash card reader market.

16 22. Image Device products are designed and developed in the Georgia office and  
17 manufactured in a facility in Shen Zhen, China.  
18

19 23. Image Device products include a series of 3.5” flash card readers that can be purchased  
20 by “photo kiosks” manufacturers who install a reader as a component to their machines.  
21

22 24. Image Device’s card reader product series provides one alternative to model XM-28U,  
23 a component sold by Plaintiff Atech.

24 25. Image Device does not offer for sale computer casing products or otherwise compete  
25 with Suntek.  
26

27 26. Image Device has had no sales, customers, employees, or any other business arising  
28 from California.

1 27. Image Device has never been registered or otherwise licensed or qualified to do  
2 business in California.

3  
4 28. Image Device does not have an agent for service of process in California.

5 29. Image Device neither owns nor leases any property in California.

6 30. Image Device is not required to pay any California taxes or fees.

7  
8 31. Image Device maintains no office or mailing address in California.

9 32. Image Device's internet website does not allow Californians or anyone else to place  
10 purchase orders on-line.

11 33. Image Device has no physical presence in California.

12  
13 34. The only California activity of Image Device is the defense of the lawsuit by Plaintiffs  
14 Suntek and Atech.

15 35. Atech identifies domestic and international customers on its official company website.

16 36. Attached as **Exhibit 4** is a true and correct copy of a 7/20/2007 screenshot from Atech's  
17 website at <http://www.atechflash.com/wheretobuy.html>.

18  
19 37. Suntek also lists customers on its company website at  
20 <http://www.suntekgroup.com/index.htm>.

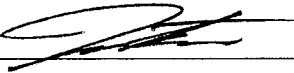
21  
22 38. Atech identifies its card readers by placing its company "AFT" logo on the front face  
23 plate of its products.

24 39. The Atech logo and the distinctive design of its card reader face plates allow any  
25 person to know that a customer, such as a kiosk maker, uses Atech flash card readers.  
26  
27  
28

1 40. I do not know from the allegations in Plaintiffs' Complaint the identity or specific  
2 terms of any non-disclosure or non-solicitation agreement that Plaintiffs claim my wife  
3 or I entered.  
4

5  
6 I declare under penalty of perjury under the laws of the United States that the  
7 foregoing is true and correct.

8 Executed at Suwanee, Georgia on July 20, 2007.  
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11 Martin C. Lin  
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